

## REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed May 29, 2007. At the time of the Final Office Action, Claims 1-4, 15-18, 40-42 and 52-54, 63-67 and 69-71 were pending in this Application. Claims 1-4, 15-18, 40-42 and 52-54, 63-67 and 69-71 were rejected. Claims 1, 54 and 63 have been amended. Claims 5-14, 24, 28-39 and 43-51 were previously cancelled. Applicant respectfully requests reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. §102**

Claims 1-4, 15-18, 40-42, 52-54, 63-67 and 69-71 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,929,238 issued to Baum ("Baum"). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Applicant submits that amended Independent Claims 1, 54 and 63 included limitations not disclosed by Baum.

For example, the Office Action cites to the rotatable connector element 16 of Baum as anticipating the recited introduction section. Applicants submit that the rotatable connector element does not disclose or anticipate the recited introduction section. The office action further cites to element 16 of Baum as disclosing a "removable section adapted to be removed from the first column for drivably engaging the first and second columns." Applicant submits that element 16 does not drivably engage a first and second column, as recited, nor is it adapted to be removed from the first column.

Because Baum fails to disclose all of the limitations, Baum cannot anticipate Independent Claims 1, 54 and 63. Applicants request reconsideration, withdrawal of the rejections under § 102 and allowance of Claims 1, 54 and 63 and Claims 2-4, 15-18, 40-42, 52-53, 64-67 and 69-71 which depend therefrom.

**Rejections under 35 U.S.C. §103**

Claims 20-23 and 25-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of U.S. Patent No. 4,863,072 issued to Perler ("Perler").

Claims 19 and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of U.S. Patent No. 4,032,118 issued to Phillips ("Phillips"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

For the reasons discussed above, Applicants submit that Claims 19, 20-23, 25-27 and 68 depend from Claims that are in condition for allowance. Applicants further submit that the combination of Baum and Perler fails to teach every claimed element of Claims 20-23 and 25-27. For instance, Baum and Perler, alone or in combination, fail to teach an introduction section and a hinged or removable section as recited. With respect to Claims 19 and 68, Applicants further submit that the combination of Baum and Phillips also fails to teach every claimed element of Claims 19 and 68. For instance, Baum and Phillips fail to teach, alone or in combination, an introduction section or a hinged or removable section as recited.

**Information Disclosure Statement**

Applicant encloses an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration.

### CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

The Commissioner is hereby authorized to charge any fees necessary for the IDS, the RCE and the three month extension of time, and any additional fees or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.391.3961.

Respectfully submitted  
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Date: 10/31/2007

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Enclosure: 1) An Information Disclosure Statement and PTO Form 1449